



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,556	02/02/2001	Elizabeth B. Diaz	10005399-1	8054

7590 09/30/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,556

Applicant(s)

DIAZ ET AL.

Examiner

James O. Hansen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 20, 2003 has been entered. ✓

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no antecedent basis in the specification for the recitation of a "depressed recess" in the computer case as stipulated in claim 18. ✓

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 & 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the limitations pertaining to the cover panel having holes corresponding to holes in a side panel and the cover panel being solely retained on the side panel is deemed to constitute an unbased comparison since the positive limitation of a "cover panel" is dependent upon the structure of a

Art Unit: 3637

non-positively claimed element i.e., a side panel [note a similar instance in claim 4 concerning the shape of the positively claimed "cover panel" in view of the "side panel"]. In claim 2, the phrase "said cover panels" does not have a proper antecedent basis [claim 1 claims only a cover panel]. In claim 3, the phrase "said side panels" does not have a proper antecedent basis [claim 1 claims only a side panel]. In Claim 18, it is unclear as to whether the applicant is now positively claiming a "computer case. Preceding claim 1 does not specifically claim a computer case, e.g., "for attachment to a side panel of a computer case" Claim 1, lines 2-3, but in Claim 18 there appears to be a positive recital of structure (line 1, "wherein the computer case has a...") indicating that the case is positively being claimed. Applicant is required to clarify the disclosed claimed material, making the language of the claims consistent with applicant's intent. Consequently, the remaining claims are rendered indefinite because they are dependent upon a rejected claim. It is noted that contrary to applicant's remarks, claims 1-25 remain pending [applicant omitted claim 18 - the amendment filed on 5/20/03 canceling claim 18 was not entered].

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 & 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson [U.S. Patent No. 3,803,670]. It is noted that the clear version of claim 1 does

Art Unit: 3637

not match up with the "amended version" of claim 1 where the changes to the claims have been made. Furthermore, the examiner has taken the position that a "computer case" is not positively being claimed. Johnson (figures 1-5) teaches of a "kit" comprising: a cover panel (12) for attachment to a side panel (14), each of the panels having a plurality of holes (16, 18); and a plurality of elastomeric feet (resilient and flexible pins 22) insertable through the holes of the panels for retaining the cover panel solely on the side panel. The cover panel being made of a plastic material (col. 1, lines 38-42). Additional holes of the side panel may be covered with hole plugs i.e., additional pins (22) for example. The interior surface of the cover panel has a shape corresponding to an exterior surface of the side panel (note fig. 4). The cover panel having a vent section [viewed as one of the holes 16 that is not plugged by a pin]. Each foot having a cover portion (24), a pair of legs (26) extending from the cover portion and a shoulder portion (28) at a distal end of each leg. As to claim 18, the panels may be positioned within a recess of another structure.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson. Johnson teaches applicant's inventive claimed structure, but does not show the non-positively claimed side panel as being painted. However, it would have been obvious

Art Unit: 3637

to a person of ordinary skill in the art at the time the invention was made to paint or manufacture a panel so as to exhibit a color since such a modification merely enhances the aesthetic appeal of the substrate upon which the coating is applied.

9. Claims 1-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Babcock et al., [U.S. Patent No. 5,890,783] in view of Johnson [U.S. Patent No. 3,803,670]. Babcock (figures 1-5) teaches of a computer case (44) comprising: a plurality of side panels (viewed as 34 – it is noted that the limitation “panel” does not impart an element that covers the whole side of a structure as presently defined) having a plurality of holes (note the screw in fig. 3 and the holes in fig. 4); a plurality of cover panels (38) attached to the side panels and having a plurality of holes (see note above); and a plurality of fasteners (32) insertable through the holes of the panels, wherein the side panel remains visible around the majority of the periphery of the cover panel (when element 40 is not attached to panel 38 – see fig. 3). Holes of the side panel may be covered with a hole plug i.e., a screw head. The cover panel having an interior surface (surface portion around element 32) corresponding in shape to an exterior surface of the side panel (note fig. 3). The cover and side panels having corresponding vent sections (note holes, openings and u-shaped slots – fig. 4). Babcock teaches applicant’s inventive claimed structure, but does not show the elastomeric feet {Babcock uses a threaded fastener} for insertion within the panel holes or show the side panel as being painted. However, Johnson teaches the use of a resilient and flexible “foot” [as detailed above] for attaching two adjacent panels together. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the fastening means of Babcock so as to utilize a flexible foot [fastener] as taught by Johnson to secure adjoining panels since this

Art Unit: 3637

arrangement would allow the panels to be fastened together without the use of tools, thereby conserving time [during assembly] and saving money [labor cost associated with assembly]. As to the material of the cover panel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture plastic cover panels, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. As to the side panels being painted, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to paint or manufacture a panel so as to exhibit a color since such a modification merely enhances the aesthetic appeal of the substrate upon which the coating is applied. As to claims 8-10, The cited prior art adequately teaches the basic claimed structure as cited above; including installing a panel solely onto another panel and attaching the panels together via fasteners, but does not specifically state a "method" of installing a panel on a computer case; however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to install a panel on a computer case as prescribed by applicant's method because the normal assembly of the prior art would inherently encompass the steps as set forth to achieve the structure as broadly claimed. As to claim 18, the panels may be positioned within a recess of the case.

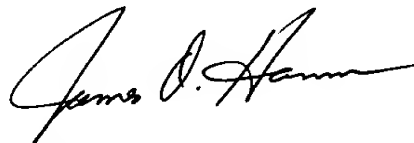
Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen et al., describes a cover panel mounted to a side cover of a computer case.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
September 22, 2003